

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | CC Docket No. 96-61 |
| Petition for Forbearance from Enforcement |) | |
| Of Section 254(g) of the Communications Act of |) | |
| 1934, As Amended |) | |
| |) | |
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ORDER

Adopted: May 25, 2000

Released: May 26, 2000

By the Deputy Chief, Wireless Telecommunications Bureau :

I. INTRODUCTION

1. In this Order, pursuant to section 10(c) of the Communications Act of 1934, as amended (the "Act")¹, we extend until August 24, 2000, the date on which the petition requesting forbearance filed by BellSouth Corporation ("BellSouth") shall be deemed granted in the absence of a Commission decision that the Petition fails to meet the standards for forbearance under section 10(a) of the Act.²

II. BACKGROUND

2. On May 27, 1999, BellSouth filed a document entitled "Comments and Petition for Forbearance" in which it requested, among other things, that the Commission forbear from

¹ 47 U.S.C. § 160(c).

² A number of the comments in the Further Notice of Proposed Rulemaking ("FNPRM") in this proceeding also contained requests for forbearance. These requests would not meet the standard for forbearance petitions recently adopted by the Commission, and we do not think that such comments, set forth in Appendix A, are petitions for forbearance subject to section 10(a) of the Act. *Adoption of Section 1.53 of the Commission's Rules*, Memorandum Opinion and Order, FCC 00-006 (rel. Jan. 19, 2000). However, since the rule adopted by that Order is effective prospectively only, we shall also extend the date on which these requests would be deemed granted if they were valid petitions for forbearance.

enforcing section 254(g) of the Act against Commercial Mobile Radio Service (“CMRS”) providers.³ Other parties listed in Appendix A filed comments requesting forbearance from section 254(g). We have received reply comments from a number of parties with respect to these pleadings.

3. Section 10(c) of the Act states that a petition for forbearance shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under section 10(a) within one year after the Commission receives it, unless the one-year period is extended by the Commission. The Commission may extend the initial one-year period by an additional 90 days if the Commission finds that an extension is necessary to meet the requirements of section 10(a).

III. DISCUSSION

4. The petition and other requests under review raise significant questions regarding whether forbearance from the enforcement of section 254(g) of the Act meets the statutory requirements set forth in section 10(a). The Bureau finds that a 90-day extension is warranted under section 10.

IV. ORDERING CLAUSE

5. Accordingly, IT IS ORDERED, pursuant to Section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and authority delegated under Sections 0.131 and 0.331 of the Commission's rules, 47 C.F.R. §§ 0.131 and 0.331, that the date on which the requests for forbearance shall be deemed granted in the absence of a Commission denial of the requests for failure to meet the statutory standards for forbearance, is extended to August 24, 2000.

FEDERAL COMMUNICATIONS COMMISSION

James D. Schlichting
Deputy Chief
Wireless Telecommunications Bureau

³ 47 U.S.C. § 254(g).

APPENDIX A

**COMMENTS REQUESTING FORBEARANCE
CC DOCKET NO. 96-61**

AT&T Wireless Services, Inc. (AT&T)

The Cellular Telecommunications Industry Association (CTIA)

Commnet Cellular Inc. (CommNet)

Nextel Communications, Inc. (Nextel)

Omnipoint Communications, Inc. (Omnipoint)

The Personal Communications Industry Association (PCIA)

PrimeCo Personal Communications, Inc. (PrimeCo)